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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

L.R.,

Objector and Appellant.

F077608

(Super. Ct. No. MI003802-00)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kern County. Brian M. McNamara, Judge.

Conness A. Thompson, under appointment by the Court of Appeal, for Objector and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Smith, Acting P.J., Meehan, J. and Snauffer, J.

Appellant, L.R., appeals from an order committing her to the California Department of Developmental Services pursuant to Welfare and Institutions Code¹ section 6500, *et seq.* Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Appellant is a developmentally disabled woman, approximately 41 years old, with a mild intellectual disability and an I.Q. somewhere in the range of 55 to 70 who has also been diagnosed with mood disorder, depressant disorder, and impulse control disorder.

On September 30, 1997, appellant was charged with two counts of lewd and lascivious conduct with a child under the age of 14. On February 14, 2001, the court found her incompetent to stand trial.

Because of her mild intellectual disability, appellant was a client of the Kern Regional Center (KRC) for many years. In 2017, while placed by KRC at the Meadow Oaks Care Facility, a residential facility, appellant engaged in self-injurious behavior consisting mainly of swallowing inedible objects. On one occasion, she swallowed tacks from a chair and had to be taken to the Kern Medical Center (KMC). In April 2017, appellant swallowed two plastic spoons and had to have surgery at KMC. She remained there until KRC was advised they had to pick up appellant. Because appellant spoke of death and suicide, on May 31, 2017, KRC transferred her to College Hospital, an inpatient psychiatric hospital, to stabilize her.

At College Hospital, appellant continued to engage in self-injurious behavior that included swallowing inedible objects like earrings, buttons, Styrofoam from a cup, and lotion. She also would scratch herself, causing herself to bleed, sometimes profusely, by opening new wounds on her arms and hands or reopening old wounds. Other times she

¹ All statutory references are to the Welfare and Institutions Code.

would bite herself, bang her head hard against the wall, or tie a sweater around her neck and smile as staff removed it.

Appellant would also engage in conduct that was injurious to staff, such as pushing and kicking them, and she would peel paint off the wall, throw chairs, break the exit signs on doors, and, on one occasion, she tore a hole in a mattress. In order to control her behavior hospital staff would place mittens on her hands, put her in restraints, or place her on one-on-one supervision.

On March 5, 2018, the Kern County District Attorney filed a petition pursuant to section 6500, *et seq.* which authorizes a person to be committed to the Department of Developmental Services if the person (1) is developmentally disabled; (2) is dangerous to herself or others; and (3) has serious difficulty controlling her dangerous behavior because of her developmental disability.² (*People v. Sweeney* (2009) 175 Cal.App.4th 210, 216.) The petition sought to have appellant committed to the California Department of Developmental Services for placement at College Hospital until her behavior was stabilized and she could be safely transferred to a residential facility/group home.

On March 8, 2018, the court appointed Dr. Allison Little and Dr. Michael Musacco to perform psychological evaluations of appellant.

On March 20, 2018, each doctor's psychological evaluation of appellant was filed, along with their certifications attesting that appellant was developmentally disabled, she was dangerous to herself, her developmental disability was a substantial factor in causing her serious difficulty in controlling her dangerous behavior, and that a locked treatment facility was the least restrictive alternative placement necessary to achieve the purposes of treatment.

² “ ‘Developmental disability’ means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual” and it includes an intellectual disability. (§ 4512, subd. (a))

On April 23, 2018, a jury trial in this matter began.

On April 30, 2018, the jury found appellant was developmentally disabled, that she was a danger to herself and/or to others, and that her developmental disability caused her serious difficulty controlling her behavior. The court then ordered appellant committed to the California Department of Developmental Services for placement at College Hospital until she was stabilized and could be safely returned to a residential facility/group home.

On June 1, 2018, appellant filed a timely appeal.

Appellant's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The order is affirmed.